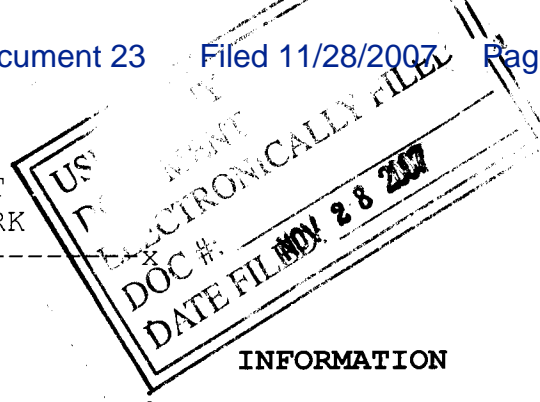


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA

- v. -

MICHAEL HERSHKOWITZ,

INFORMATION

07 Cr.

Defendant.

07: CRIM1071

JUDGE CASTEL

COUNT ONE

(Conspiracy to Commit Mail Fraud and Wire Fraud)

The United States Attorney charges:

1. From in or about September 2003, through at least in or about July 2007, in the Southern District of New York and elsewhere, MICHAEL HERSHKOWITZ, the defendant, and others known and unknown, unlawfully, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, to violate Sections 1341 and 1343 of Title 18, United States Code.

2. It was a part and an object of the conspiracy that MICHAEL HERSHKOWITZ, the defendant, and his co-conspirators, unlawfully, willfully, and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, for the purpose of executing such scheme and artifice, and attempting so to do, would and did place in a post office and authorized depository

for mail matter, a matter and thing to be sent and delivered by the Postal Service and would and did deposit and cause to be deposited a matter and thing to be sent and delivered by private and commercial interstate carriers, and would and did take and receive therefrom, such matter and thing, and would and did knowingly cause to be delivered by mail and such carriers according to the directions thereon, such matter and thing, in violation of Title 18, United States Code, Section 1341.

3. It was a further a part and an object of the conspiracy that MICHAEL HERSHKOWITZ, the defendant, and his co-conspirators, unlawfully, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, would and did transmit and cause to be transmitted by means of wire communication in interstate and foreign commerce, writings, signs, signals, pictures and sounds for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Section 1343.

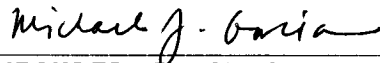
Overt Acts

4. In furtherance of said conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about August 2, 2004, MICHAEL HERSHKOWITZ, the defendant, and a co-conspirator not named as a defendant herein ("CC-1"), caused a package of materials, including purported mortgage documents pertaining to a building at 531 W. 179th Street in Manhattan, to be sent from Manhattan to an individual in Connecticut.

b. On or about January 11, 2007, CC-1 sent an e-mail message from Manhattan to an individual in Florida in which CC-1 represented, among other things, that "our mortgages with your group are in first position" and that CC-1 had sent to the Investor Victim "copies of our recordations for your files."

(Title 18, United States Code, Section 371.)



MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

MICHAEL HERSHKOWITZ,
Defendant.

INFORMATION

07 Cr. (PKC)

(Title 18, United States Code,
Section 371.)

MICHAEL J. GARCIA
United States Attorney.

November 28, 2007 - ~~The defendant~~ The defendant is filed.
November 28, 2007 - The defendant Michael Hershkovitz and his attorney
Karen A. Newitt are present. ~~USA~~ Henry A. Chernoff is present.
Court Reporter Michelle Bullock is present. See transcript. The defendant
waives indictment. The defendant is assigned on the information is please
not guilty. The Court schedules a pretrial conference for February 6, 2008
at 9:30 a.m. Time is excluded. Bail is continued.

Case 7.